

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO.1929/2012
WITH
CIVIL APPLICATION NO.5432 OF 2016
IN
WRIT PETITION NO.1929/2012
WITH
CIVIL APPLICATION NO.16063/2015
IN
WRIT PETITION NO.1929/2012**

DR KALYAN GOVIND JOSHI
DIED LRS

1/A. Smt. Meena Kalyanrao Joshi
age 59 years, occu. Household.

1/B. Dr.Amol s/o Kalyanrao Joshi
age 34 years, Occu. Medical Practitioner,

1/C. Shri Amit s/o Kalyanrao Joshi,
age 30 years, occu. Service.

All r/o 15-A, Snehakamal,
Siddheshnagar,
Shreyanagar, (South),
Aurangabad.

2 Dr. Shaikh Mohammed Muntajabuddin
s/o Mohammed Nizamuddin,
age 67 years, Occu. Retired (Pensioner),
r/o 15, Maulana Azad Housing Society,
Rozabagh, Aurangabad. ... PETITIONERS.

VERSUS

1 The State of Maharashtra,
through its Chief Secretary,
Dept. of Higher and Technical Education,
Mantralaya Annexe, Mumbai – 400032.

2 Dr. Babasaheb Ambedkar Marathwada University,
through its Registrar,
Administrative Building,

University Campus, Aurangabad.

- 3 The Regional Joint Director,
Higher Education, Aurangabad
Division, Near Deogiri College,
Station Road,
Aurangabad.
- 4 Government College of Arts &
Science, Aurangabad, through
its Principal.
- 5 Maulana Azad College of Arts,
Science and Commerce, Aurangabad,
through its Principal.

... **RESPONDENTS.**

...
Advocate for Petitioners : Smt. Neha Kamble h/f Mr. Adwant
S.V.

AGP for Respondents 1 & 3 : Mr. V.S. Badakh.
Respondents No. 2, 4 & 5 served – absent.

...

CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: April 26, 2016.

ORAL JUDGMENT [PER S.S. SHINDE, J]:-

The learned Counsel for the petitioners, on instructions, submits that though there are multiple prayers in the writ petition, the petitioners are pressing the petition confining it only to prayer clause (b). The learned Counsel for the petitioners submits that the issue raised in this petition / application is covered by the judgment and order dated 10th April, 2015 delivered by this Court in **Writ**

petition No.440 of 2015 (Dr.Jeurkar Ramkrishna Keshavrao and others Vs. The State of Maharashtra and ors).

2 Rule. Rule made returnable forthwith. Heard finally by consent of parties.

3 The learned counsel for the petitioners submits that vide Government Resolution dated 11th December, 1999, the Government took a decision to award revised pay scale and also increments towards the Career Advance Scheme ("CAS" for short) benefit would be given to the teachers who had secured Ph.D. degrees. According to learned counsel, as per the said Government Resolution, the effective date of implementation was 1st January, 1996, for those who had acquired Ph.D. degrees earlier to the said date and those who acquired subsequently, it would be from the date they acquired Ph.D. degree. Learned counsel submits that the petitioners have all superannuated and they have acquired Ph.D. degrees prior to 1.1.1996, still, the benefit of career advancement scheme is not given to them.

4 Learned counsel submits that even the Secretary, University Grants Commission, vide its letter dated February 15/23, 2000, has in unequivocal terms stated that the benefit of two advance increments in lieu of Ph.D. degree is available to the teachers who have

acquired Ph.D. degree on or before 1.1.1996. Advance increments are part of revised pay scales and same shall be applicable w.e.f. 1.1.1996.

5 Mr.Badakh, learned AGP submits that the Under Secretary, UGC has recommended and clarified that benefit of two increments to those who have acquired Ph.D. degree on or before the cut of date, will be entitled for the advance increments from 27.7.1998. In the light of that, the petitioners who have completed Ph.D. degree prior to 1.1.1996 will be entitled to benefit of CAS, only from 27.7.1998.

6 There does not appear to be dispute between the parties that the CAS i.e. benefit of 2 increments is available to the petitioners, who have all retired on attaining age of superannuation and that they have completed their Ph.D. degree prior to 1.1.1996. In the light of the said fact, the only dispute is with regard to the date of applicability of the said Government Resolution.

7 This court in various matters, such as W.P. No. 1084 of 2003, vide order dated 1.7.2005, has held that the teachers are entitled for two advance increments w.e.f. 1.1.1996. Said judgment is passed by the Division Bench relying on the judgment of the Kerala High Court.

8 Even the Government Resolution dated 11th

December, 1999, which makes the scheme applicable specifically lays down that the revised scales of pay will be implemented w.e.f. 1.1.1996. Even the letter dated 15/23rd February, 2000, states that the advance increments are part of revised pay scales and same would be applicable w.e.f. 1.1.1996.

9 Considering all the aforesaid aspects of the matter, the teachers who have acquired Ph.D. prior to 1.1.1996, will be entitled for benefit of two advance increments towards career advancement scheme w.e.f. 1.1.1996.

10 In the light of the above, we pass the following order :-

[a] The petitioners who have completed their Ph.D. Degree prior to 1.1.1996 shall be given benefit of two increments of Rs.420/-. The respondents shall make the payment of the said benefit of two increments of Rs.420/- w.e.f. 1.1.1996 to the petitioners, with all consequential benefits, expeditiously. The Writ Petition as also civil applications stand disposed of.

[b] Rule is made absolute in above terms. No costs.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]